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No. 124

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48493]

CUSTOMS REGULATIONS AMENDED—TRADE-MARKS—COPYRIGHTS

ARTICLES 517 AND 523 OF THE CUSTOMS REGULATIONS OF 1931 AMENDED SO AS TO GIVE EFFECT TO SECTION 18 OF THE ACT OF CONGRESS ENTITLED "AN ACT TO PROVIDE A CIVIL GOVERNMENT FOR THE VIRGIN ISLANDS OF THE UNITED STATES", APPROVED JUNE 22, 1936 (PUBLIC, 749, 74TH CONGRESS) EXTENDING THE LAWS OF THE UNITED STATES RELATING TO PATENTS, TRADE-MARKS, AND COPYRIGHTS TO THE VIRGIN ISLANDS

To Collectors of Customs and Others Concerned:

Article 517 of the Customs Regulations of 1931 is hereby amended by adding at the end thereof the following paragraph which shall be designated (d):

(d) Act of June 22, 1936 (Public—749—74th Congress) Sec. 18. * * * The laws of the United States relating to patents, trade marks, and copyrights, and to the enforcement of rights arising thereunder, shall have the same force and effect in the Virgin Islands as in the continental United States, and the District Court of the Virgin Islands shall have the same jurisdiction in causes arising under such laws as is exercised by the United States district courts.

Article 523 of the Customs Regulations of 1931 is hereby amended by adding at the end thereof the following footnote:

NOTE.—See Article 517 (d) for Act of Congress approved June 22, 1936, extending the laws of the United States relating to copyrights to the Virgin Islands.

[SEAL]

FRANK DOW,
Acting Commissioner of Customs.

Approved, August 28, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 2076—Filed, September 2, 1936; 12:52 p. m.]

[T. D. 48505]

CUSTOMS REGULATIONS AMENDED—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

CHAPTER XVI AND RELATED ARTICLES OF THE CUSTOMS REGULATIONS OF 1931, RELATIVE TO THE TRANSPORTATION OF MERCHANDISE IN BOND AND MERCHANDISE IN TRANSIT, AMENDED

To Collectors of Customs and Others Concerned:

Pursuant to the authority of section 557 (U. S. C., title 19, sec. 1557), and section 624 (U. S. C., title 19, sec. 1624), of the Tariff Act of 1930; section 161 of the Revised Statutes of the United States (U. S. C., title 5, sec. 22), and the authority contained in the statutes quoted in the text thereof as amended, Chapter XVI of the Customs Regulations of 1931, is hereby amended to read as follows:

CHAPTER XVI

TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

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General Provisions

ART. 872. *Bonding of carriers authorized.*—Tariff act of 1930, section 551:

Any common carrier of merchandise owning or operating railroad, steamship, or other transportation lines or routes for the transportation of merchandise in the United States, upon application and the filing of a bond in a form and penalty and with such sureties as may be approved by the Secretary of the Treasury, may be designated as a carrier of bonded merchandise for the final release of which from customs custody a permit has not been issued.

ART. 873. *Carriers—Application to Bond.*—(a) Merchandise to be transported from one port to another in the United States in bond must, except as provided in paragraph (b), be delivered to a common carrier bonded for that purpose, but such merchandise may be transported with the use of the facilities of other bonded or non-bonded carriers [T. Ds. 40578, 40631, 41760, 42783, 45303, 47505 (1 & 2), 48418].

(b) Public Resolution 108 of June 19, 1936: " * * * That the Secretary of the Treasury be, and he is hereby, authorized, when it appears to him to be in the interest of commerce, and notwithstanding any provision of law or regulation requiring that the transportation of imported merchandise be by a bonded common carrier, to permit such merchandise which has been entered and examined for customs purposes to be transported by bonded cartmen or bonded lightermen between the ports of New York, Newark, and Perth Amboy, which are all included in Customs Collection

District Numbered 10 (New York): *Provided*, That this resolution shall not be construed to deprive any of the ports affected of its rights and privileges as a port of entry."

Pursuant to the above resolution and subject to compliance with all other applicable provisions of this chapter, the collector of customs at New York may, upon the request of the party in interest, permit merchandise entered and examined for customs purposes to be transported in bond between the named ports by bonded cartmen or lightermen duly qualified in accordance with the provisions of chapter XIX, provided that the collector is satisfied that the transportation of such merchandise in this manner will not endanger the revenue.

(c) A common carrier desiring to receive merchandise for transportation in bond shall file with a collector of customs in duplicate a bond, on customs Form 3587, in a sum to be recommended by the collector, together with a certified extract of its charter showing whether or not it is authorized to engage in common carriage and a statement that it is operating or intends to operate as a common carrier and that it undertakes to carry for such as choose to employ it and does not limit its carriage to specific individuals or firms (the extract and statement need not be submitted in the case of railroad or steamship companies generally known to be engaged in common carriage). The bond with the collector's recommendation and the extract and statement (if required) will be forwarded to the Commissioner of Customs. If the bond is approved, the original copies will be returned to the collector for filing. Such bonds may be discontinued at any time by the bureau. Bonded carriers desiring to discontinue such bonds must make application therefor to the bureau through the collector at the port where the bond is filed [T. Ds. 40578, 40631, 41760, 42783, 45690-61].

ART. 874. *Receipt by carrier—Manifest.*—(a) All merchandise delivered to a bonded carrier for transportation in bond shall be receipted for by an agent of the carrier and laden on the transporting conveyance under the supervision of a customs officer [T. D. 37341].

(b) A manifest, customs Form 7512, containing a description of the merchandise must be prepared by the carrier or shipper and signed by the agent of the carrier. Except as provided in article 236 covering merchandise in transit through the United States between ports in contiguous foreign territory, a separate set must be prepared for each entry; and if the consignment is contained in more than one conveyance a separate set must be prepared for each such conveyance [T. Ds. 41283, 41284, 41332, 45804].

(c) The manifest shall be filed in triplicate and after the goods have been laden and the carrier has receipted all three copies, one copy shall be delivered to the conductor, master, or person in charge to accompany the conveyance and be delivered to the collector at destination for his record; one copy shall be forwarded to the port of destination immediately after lading; and one copy, duly signed and stamped by the collector, shall be used as a record of the shipment and be retained at the original port.

(d) An extra copy of customs Form 7512 may be required for use as a permit to the inspector or storekeeper at the point where the merchandise is in custody.

(e) When a copy of the carrier's manifest is lost or can not be produced, a copy may be made of whichever manifest is available [T. D. 37341].

ART. 875. *Transshipment.*—(a) If the route be such that a transshipment is required at a place other than the port of origin or destination, an additional copy of the manifest must be prepared by the carrier and be certified and mailed by the lading inspector to the customs officer at the place of transshipment, who will give general supervision to the transshipment, indorse his action on both copies of the manifest, return the conductor's copy, and retain the other as a record of his action. When by reason of the carrier's schedule or other condition it is probable that the additional copy of the manifest, if sent by mail, will not reach the customs officer at the place of transshipment prior to the arrival of the merchandise, it may be given to the conductor or master or person in charge of the conveyance in a sealed

envelope for delivery to such customs officer [T. Ds. 38287, qs. 36 and 39, 47505 (1 & 2)].

(b) If the merchandise is so transshipped from one conveyance to another, the customs officer supervising the transshipment will note on the copy of the manifest accompanying the shipment whether or not the conveyance or bonded compartment in which the merchandise is contained could be entered without disturbing the seals [T. D. 42960].

(c) Where bonded merchandise arriving at the place of transshipment in one conveyance is transshipped into more than one conveyance, a separate set of customs Form 7512 in quadruplicate, must be prepared at the place of transshipment for each such conveyance; one copy to be delivered to the conductor, master, or person in charge to accompany the conveyance and be delivered to the collector at destination for his record; one copy to be forwarded by the collector to the port of destination; one copy to be transmitted to the collector of customs at the port of origin; and one copy to be retained as a record of the shipment at the place of transshipment. The original manifest accompanying the shipment should be retained at the place of transshipment [T. D. 46188].

(d) When in the case of a vessel it is necessary to remove the seals on a bonded compartment at an intermediate port for the purpose of discharging or lading cargo, the customs officer supervising the transaction shall note on the manifest accompanying the shipment whether or not the seals were intact on arrival, whether or not the bonded compartment could be entered without disturbing the seals, and whether or not the vessel was under continuous customs supervision while the compartment was not under seal.

(e) If it becomes necessary at any point in transit to remove the customs seals from a conveyance containing bonded merchandise for the purpose of transferring its contents to another conveyance, or to gain access to the shipment, because of casualty or other good reason, and it can not be done under customs supervision, because of the element of time involved or because there is no customs officer stationed at such point, a responsible agent of the carrier may remove the seals, supervise the transfer or handling of the merchandise, reseal the original conveyance or apply seals to the conveyance to which the transfer is made, and make appropriate notation on the conductor's or master's copy of the manifest of his action including the date, serial number of the new seals applied, and the reason therefor. However, this authorization shall not apply to the removal of customs seals from railroad cars containing livestock except in the case of a real emergency [T. Ds. 32086, 43576, 47639-61].

ART. 876. *Sealing conveyances and compartments—Labeling packages.*—(a) Conveyances or compartments in which bonded merchandise is transported must be sealed with red "in bond" customs seals under customs supervision, except that when the compartment or conveyance can not be effectively sealed, as in the case of merchandise shipped in open cars or barges, or on the decks of vessels, or when it is known that the sealing of hatches containing bonded goods on vessels will be futile, for the reason that the seals will be removed outside the jurisdiction of the United States for the purpose of discharging or taking on cargo, or when it is known that the breaking of the seals will be necessary to ventilate the hatches, or in other similar circumstances, such sealing may be waived with the consent of the carrier, and an appropriate notation shall be made on the manifest [T. D. 47071-10].

(b) Ports at which the facilities are insufficient to maintain continuous customs supervision over vessels arriving with bonded cargo while the vessels are not under customs seals, should permit the vessels to proceed to destination without further sealing and notation to this effect should be made on the manifest [T. D. 47071-10].

(c) Merchandise not under bond may be transported in sealed conveyances or compartments containing bonded goods when destined for the same place or places beyond, but not when intended for intermediate places.

(d) The seals to be used in sealing conveyances, compartments, or packages are prescribed by the department and

may be obtained in accordance with article 1218½ [T. D. 482351].

(e) Packages shipped in bond, unless otherwise transported under customs seals, or when sealing is waived under paragraph (a) or (b), must be corded and sealed or in lieu thereof bonded carriers shall furnish and attach to each such package two warning labels on bright red paper, not less than 5 by 8 inches in size, containing the following legend in black type of a conspicuous size:

U. S. Customs

Transportation Entry No. From
To

This package is under bond and must be delivered intact to the chief officer of the customs at

Warning

Two years' imprisonment or \$5,000 fine, or both, is the penalty for unlawful removal of this package or any of its contents.

[T. Ds. 7601, 25775, 37576, 45764, Act Feb. 13, 1913. Tariff Act 1930, Sec. 598.]

(f) The warning labels when used must be securely pasted on the package under customs supervision, one as close as practicable to the marks and numbers of the package, and the other on the opposite face of the package.

(g) When, in the case of crates and similar packages, it is impossible to attach the warning labels by pasting, bright red shipping tags of convenient size and large enough to be conspicuous and containing the same legend as the labels, may be used in lieu of labels if wired or otherwise securely fastened to the packages in such manner as not to injure the merchandise.

ART. 877. *Warning cards—Penalty for breaking seals.*—Bonded carriers are required to furnish and securely attach to side doors of cars, to the doors of compartments, and on vehicles carrying bonded merchandise which are secured with customs seals, near such seals a bright red card, 8 by 10½ inches in size, on which shall be printed in large, clear black letters the following:

United States Customs. Two years' imprisonment, or \$5,000 fine, or both, is the penalty for the unlawful removal of United States customs seals on this car, vehicle, or compartment. United States customs officers only are authorized to break these seals.

Car or vessel No. or name
..... From To

Notice.—The merchandise in this car, vehicle, or compartment must be delivered to the chief officer of the customs at

[T. Ds. 7601, 25775, Act Feb. 13, 1913. Tariff Act 1930, Sec. 598.]

ART. 878. *Lading inspectors' action.*—(a) The lading inspector will when practicable check the merchandise laden with the manifest therefor. If this be impracticable he may accept the check of the carrier if satisfied that the same is correct. He will then certify, by indorsement, the three copies of the manifest, and will deliver one copy to the railroad conductor, master of the vessel, or person in charge of the conveyance, mail one copy to the collector at destination as soon as the goods are laden and receipted for, and return the other copy to the customhouse.

(b) The lading inspector will note on each copy of the manifest over his signature the numbers of the seals on the conveyance and all packages in bad order at the time of lading with the particulars of their condition. Seal numbers need not be entered on manifests covering grain moving in bond.

(c) When there is any bad order, breakage, outage, or damage with respect to the packages or their contents, the findings of the discharging inspector and lading inspector will be shown separately on all copies of the manifest, customs Form 7512. If transfer is necessary the discharging

inspector shall make his report on customs Form 6043 A or 6043 B for the use of the lading inspector (article 1012).

ART. 879. *Short shipments.*—(a) If, before the mailing of the entry to the port of destination, it be found that part of the merchandise specified therein has not been landed, that fact shall be noted on the entry. If the short landing be discovered after the mailing of the entry, the collector will immediately mail a notice to that effect on customs Form 3833 to the collector at the port of destination and to the comptroller of customs in whose district the port of destination is located [T. D. 246701].

(b) Upon the subsequent discovery or receipt of the short-landed packages, the same may be forwarded under proper supplemental transportation entry, bearing the original entry number, or if a new bill of lading has been issued therefor, under an original transportation entry.

ART. 880. *Transfer by bonded cartman—Transfer Ticket—Discrepancies.*—(a) All transfers to or from the conveyance or warehouse of merchandise undergoing transportation in bond shall be made by bonded vehicles or lighters under the provisions of chapter XIX and at the expense of the parties in interest [T. Ds. 14786, 24670, 38786].

(b) If the lading inspector finds any discrepancies between the merchandise actually received and that described on the transfer ticket, he will immediately communicate with the officer issuing the ticket with a view to its correction, and if they disagree he will report the facts to the collector for action. If there should be any indication of fraud, the lading inspector will hold the goods for instructions from the collector. (See article 1012.)

ART. 881. *Diversión.*—(a) *By port of origin.*—Collectors of customs at ports of first arrival may permit merchandise forwarded under any class of transportation entry to be diverted to any other port than the port named in the entry upon application of the consignee or agent, but the collector at the port from which diverted and his comptroller should be notified and a new mail copy forwarded to the port to which diverted. In all cases the collector at the port of first arrival will send a copy of the entry to the comptroller of customs in whose district the new port of destination is located except when the merchandise is forwarded for transportation and exportation and is diverted to another port of exit for exportation [T. Ds. 17688, 37460, 40351].

(b) *By intermediate ports.*—(1) The collector at an intermediate port may permit merchandise in transit under bond under any class of transportation entry to be entered at his port for consumption or warehouse, but the collectors at the ports of origin and destination named in the transportation entry, together with their respective comptrollers, should be notified of the diversion by letter giving the pertinent facts shown on the entry. Upon receipt of the notice of diversion, the collector at the port from which the merchandise is diverted shall mail his copy of the transportation entry to the collector at the intermediate port and the comptroller having jurisdiction over the port from which the merchandise is diverted shall mail his copy of the transportation entry to the comptroller in whose district the intermediate port is located. In the case of the diversion of a transportation and exportation or in-transit entry for a purpose other than exportation, the collector at the port of origin shall forward a copy of the entry to the comptroller in whose district the intermediate port is located [T. D. 46032].

(2) If a portion only of the merchandise covered by a transportation entry is entered for consumption or warehouse at an intermediate port the collector at such port shall notify the collectors and comptrollers interested. Upon receipt of such notice the collector at the port of origin shall forward an amended copy of the original transportation entry covering the merchandise actually forwarded from the intermediate port to the original port of destination and a new transportation entry, covering the merchandise diverted, to the intermediate port at which entered, mailing copies of such entries to the respective comptrollers.

(c) *By port of destination.*—(1) Merchandise received under any class of transportation entry may be forwarded to

another port or returned to the port of origin on the same transportation entry unless the merchandise has been placed in general order, or a certificate of delivery has been issued, in which case a new transportation entry will be required. Said entry and accompanying papers with an indorsement thereon signed by the proper officer showing date and point to which diversion is made shall be forwarded to the collector at the ultimate destination, and the collector at the port of origin and the comptrollers of customs interested shall be notified of the diversion, by letter, giving the pertinent facts shown on the entry. The comptroller of customs for the district in which the diversion is made will then mail his copy of the entry to the comptroller of customs for the district of ultimate destination [T. D. 39514].

(2) Should it be desired to split a shipment at a port of destination and enter a portion for consumption or warehouse and forward the balance in bond or divert the entire shipment or a part thereof, to more than one port the collector at the port where such diversion takes place should complete the original transaction, forwarding a certificate of delivery to the port of origin and require the filing of a new transportation entry or entries, as the case may be, for the portions forwarded.

(d) *Shipments subject to restriction or prohibition by Federal governmental agencies.*—The diversion of shipments in bond subject on importation to restriction or prohibition of Federal governmental agencies shall be allowed only upon written permission issued by the agency concerned.

Art. 882. *Certificate of delivery.*—(a) The collector at the port of destination will, upon the receipt of the merchandise, if it is found to agree with the manifest, indorse the copy of the manifest received by mail to show the arrival, exportation, or delivery into customs custody of the merchandise, the condition of the shipment, exceptions, etc., and send it as a certificate of cancellation to the comptroller of customs in whose district the port of origin is located, to be by him properly noted and forwarded to the port of origin [T. D. 37341].

(b) The discharging officer at the port of destination will note on the manifest the condition of the seals, if any, any discrepancies in the number of packages, any irregularity or bad order of packages received, giving marks and numbers of packages and particulars of bad order, and any discrepancies between the packages received and those described in the manifest, and forward the manifest to his collector.

(c) The collector will, in proper cases, prepare a report of shortage, irregular delivery, or nondelivery, as provided in the succeeding article.

Art. 883. *Shortages—Irregular deliveries—Report of.*—(a) When there is an irregular delivery or failure to deliver (shortage) at the port of destination of bonded merchandise, including baggage forwarded under manifest, customs Form 7520, forwarded under any of the various forms of transportation entry, the collector at such port shall promptly report the same to the collector at the port of origin on customs Form 3861, giving the following data [T. Ds. 32280, 40933]:

- (1) The number, date, and character of the entry covering the shipment.
- (2) Description of the merchandise, quantity manifested, quantity delivered or exported, quantity short, together with the value, duty, and internal-revenue tax, if any, on the merchandise short, exclusive of the exceptions at the port of origin [T. D. 38787].
- (3) The number, if any, of the conveyance, or name, if a vessel; the condition of the conveyance and the numbers of the seals thereon, if any; the condition and marks and numbers of the particular packages in which the shortage occurred; whether the seals, if any, on the conveyance or compartment, as the case may be, were intact or broken; and whether or not the conveyance or compartment could be entered without disturbing the seals and the record of resealing in transit; and whether or not the carrier has a record of exportation of the shipment [T. Ds. 38127, 42960].
- (4) When and by whom the shortage or bad order was noted and, if not noted by the discharging inspector,

whether or not it was noted prior to the opening of the package.

(5) The port or ports of transshipment, if any, whether or not the conveyance arrived at such port or ports with seals intact, and, if a vessel, whether or not the conveyance or compartment could be entered without disturbing the seals.

(6) Mark out the word "irregular" or the words "or short" in the first line of customs Form 3861, as the facts in the case may warrant [T. D. 38265].

(b) When there is a shortage of one or more packages or nondelivery of an entire shipment, the collector at the port of delivery, after the expiration of a reasonable time, but not to exceed 60 days from the date of the receipt of the mail copy of the entry, will cause an inquiry to be made to determine whether delivery has been made direct to the consignee.

(c) If the merchandise has been delivered direct to the consignee, entry therefor may be accepted if the merchandise can be recovered intact without any of the packages having been opened. In such cases, however, any shortage from the invoice quantity will be presumed to have occurred while the merchandise was in the possession of the bonded carrier.

(d) If the merchandise can not be recovered intact and without any of the packages having been opened, entry will not be accepted, but the collector will, if possible, ascertain the amount of duty and internal-revenue tax, if any, properly chargeable thereon, and include them in his report on Form 3861.

(e) The report above provided for shall be made in septuple and cover but one entry. One copy of the report will be retained by the collector at the port of delivery for his file; one copy will be forwarded to the comptroller of customs of the district in which the port of origin is located; one copy to the comptroller of customs for the district in which the port of destination is located (except transportation and exportation entries), and four copies to the collector of customs at the port of origin. The collector at the port of origin will retain one copy for his file, send one copy to the outside division, send one copy immediately to the initial carrier for its information, investigation, and report within 90 days, and thereupon forward the original copy containing his full report of all the facts, including the name of the carrier against whose bond the penalty is charged, to the Bureau of Customs, accompanied by the carrier's report [T. Ds. 37498, 41101].

(f) In case of merchandise entered on the Canadian or Mexican border for transportation and exportation under the provisions of article 236, if the shipment arrives at the port of exportation with seals intact and the cars bear no evidence that loss occurred while in transit through the United States, a notation on the certificate of inspection from the port of exportation to that effect will be sufficient, and no report of shortage need be made [T. D. 32731].

(g) When the seals are not intact on arrival at the port of exportation, or the cars bear evidence that a shortage might have occurred therefrom while in transit through the United States, and in all cases of shortage from shipments entered at ports other than Canadian or Mexican border ports for transportation and exportation, a report shall be made as provided above [T. D. 33498].

(h) Upon a penalty being imposed by the bureau for any shortage or irregular delivery, the collector should immediately make a demand for payment thereof as liquidated damages, and list the same on customs Form 5211. If the penalty is not paid within 30 days from the date of demand, the matter should be reported to the United States attorney for collection by the proper procedure against the carrier's bond, and such action reported to the bureau.

(i) Each penalty collected from a bonded carrier on account of a shortage, nondelivery, or irregular delivery shall be reported to the bureau on customs Form 5161 B, and listed on Form 5211, as required by article 1104.

(j) An allowance in duty on merchandise reported short at destination, including merchandise found by the appraising officer to be damaged and worthless, and animals and

birds found by the discharging officer to be dead on arrival at destination, will be made in the liquidation of the entry, regardless of the amount of duty involved. A shortage report should not be made to the collector at the port of origin unless the duty on the shortage, or in the case of free merchandise, the value thereof, amounts to \$5.00 or more. No shortage report should be made in any case of damaged merchandise reported by the appraising officer to be worthless, nor in the case of animals and birds found by the discharging officer to be dead on arrival at destination. A shortage report should be made in all cases of nondelivery of entire shipments regardless of the value of the merchandise or the amount of duty involved. The above procedure is not applicable to withdrawals from warehouse for transportation. (See Paragraph (1).) [T. Ds. 22465, 47569.]

(k) Liquidation of entries covering merchandise concerning which there is report of shortage should be made without awaiting instructions from the bureau, and allowance made for the missing merchandise, except that no allowance should be made for shortages in liquors due to leakage or breakage otherwise than is provided for in articles 816 and 817, or 802 to 805 [T. D. 47222].

(l) In the case of shortage, irregular delivery or nondelivery under a warehouse withdrawal for transportation, or withdrawal for transportation and exportation, entry (except a withdrawal from bonded manufacturing warehouse, see article 963, or when the duty is less than \$1.00, see article 820 (e)) the facts shall be reported on Form 3861 to the collector at the port of withdrawal for the collection of the duties and internal-revenue taxes, if any, on the missing merchandise, or other appropriate action, under the terms of the warehouse entry bond (Form 7555). When the merchandise has been entered at the port of destination for rewarehouse, or for rewarehouse and immediate withdrawal for consumption, the collector at the port of withdrawal shall issue an amended transportation entry to correspond with the quantity of merchandise actually received at the port of rewarehouse. Upon the receipt of the amended transportation entry, the rewarehouse entry shall be corrected to agree with such amended transportation entry. The collector at the port of withdrawal shall inform the bureau of his action in the premises by indorsement on Form 3861. Similar action shall be taken in the case of shipments for re-warehouse [T. D. 47222].

(m) When a particular cargo or lot of grain in bulk is divided and shipped under a series of transportation and exportation entries, if the aggregate shortage when prorated by the collector at the port of entry among all the entries of the series embraced in the original import lot or cargo does not exceed 2 per cent of the entered quantity, the charge against the carrier's bond may be canceled and the shortage need not be reported to the bureau, as no penalty will be assessed in such cases: *Provided*, That in determining the 2 per cent allowance only shortages due to shrinkage (evaporation of moisture) or ordinary wastage (inconsequential losses such as necessarily occur in handling and transshipping large quantities of grain, but not large losses due to casualty or accident) shall be considered. Where the shortage when prorated as above exceeds 2 per cent or was due to causes other than shrinkage or ordinary wastage, the facts should be reported to the bureau for instructions [T. Ds. 33385, 36330, Q. 92, 43562].

(n) The collector at the port of destination shall, in the case of nondelivery of an entire package, note in red ink on the certificate of delivery whether a shortage report on customs Form 3861 has or will be made and if no shortage report has been or will be made, the reason therefor [T. Ds. 38287, Q. 2a, 45900].

(o) Deputy collectors in charge of ports of destination should make reports of shortages or irregular deliveries direct to the customs officer in charge of the port of first arrival, to be forwarded by the latter with the necessary details to the headquarters port in his district for transmittal to the bureau [T. D. 38287, Q. 24].

ART. 884. *Liability of Carrier—Penalties.*—(a) The initial or originating bonded carrier is responsible for shortage, irregular, or nondelivery at destination or port of exit of

bonded merchandise received by it for carriage and when sealing is waived (article 876) any loss found to exist at destination will be presumed to have occurred while the merchandise was in the possession of the carrier, unless conclusive evidence to the contrary is produced.

(b) Penalties imposed as liquidated damages on the common carrier's bond for shortages, failure to deliver, or irregular delivery shall be as follows [T. D. 38266]:

(1) In the case of shortage, or failure to deliver, or delivery direct to the consignee or other person of any merchandise free of duty, an amount equal to the value of the missing merchandise, not to exceed in any one shipment the sum of \$25.

(2) In the case of shortages or failure to deliver merchandise subject to duty, an amount equal to the duties on the missing merchandise.

(3) In the case of delivery direct to the consignee or other person of merchandise subject to duty without customs supervision, an amount equal to the duty thereon plus 25 per cent.

(c) In addition to the above-prescribed penalties the carrier shall pay any internal-revenue taxes or other taxes accruing to the United States on the missing merchandise, together with all costs, charges, and expenses caused by the failure to make such transportation, report, and delivery.

ART. 885. *Examination by inspectors of trunk line associations or agents of the Interstate Commerce Commission.*—(a) Upon presentation of proper credentials showing the applicant to be identified with the Trunk Line Association, the Interstate Commerce Commission, the Joint Rate Inspection Bureau of Chicago, or the Southern Weighing and Inspection Bureau of Atlanta, inspectors of customs in charge may permit such representatives acting either jointly or severally to open and examine packages containing merchandise described in the manifest in general terms, and offered for shipment in bond, for the purpose of ascertaining whether or not the merchandise is properly classified under the interstate commerce laws [T. D. 40493].

(b) The opening and examination of such packages must be without expense to the Government or the owner of the goods, and must be done in the presence of a customs officer. The contents of the cases shall not be removed or disturbed further than is necessary to show the character thereof. The customs officer will require the packages to be securely closed, and will note on the manifest the packages so inspected, the date, and by whom inspected [T. Ds. 33465, 33723].

ART. 886. *Records of Merchandise Forwarded and Received Under Transportation Entries.*—No schedule will be kept at either the port of origin or port of destination of any class of in-bond transportation entries. A copy of each entry, however, shall be retained as an office record and filed numerically according to class, in a pending file. When a transaction is completed the record copy of the entry shall be transferred to a closed file.

ART. 887. *Kinds of entry.*—(a) The following entries may be made for merchandise to be transported in bond:

(1) Immediate transportation without appraisement (articles 888 to 894).

(2) Warehouse and rewarehouse withdrawal for transportation (articles 896 to 900).

(3) Warehouse withdrawals for exportation or for transportation and exportation (article 901).

(4) Transportation and exportation (articles 904 to 911).

(5) Exportation (article 912).

(6) Foreign manifests (articles 914 to 919).

(b) The copy of each entry made in any of the above-named classes which is retained in the office of the forwarding collector must be signed by the party making the entry.

(c) Before shipping merchandise in bond to another port for the purpose of warehousing or rewarehousing, the shipper should ascertain from the collector at the intended port of destination whether or not warehouse facilities are available there.

Immediate Transportation Without Appraisalment

ART. 888. *Classes of goods—Entry authorized.*—(a) Tariff act of 1930, section 552:

Any merchandise, other than explosives and merchandise the importation of which is prohibited, arriving at a port of entry in the United States may be entered, under such rules and regulations as the Secretary of the Treasury may prescribe, for transportation in bond without appraisalment to any other port of entry designated by the consignee, or his agent, and by such bonded carrier as he designates, there to be entered in accordance with the provisions of this act. (Special provisions concerning the shipment of baggage under this provision of law are contained in article 423.) [T. Ds. 10850, 16372, 21219, 38181, 39345.]

(b) Such entry may be made for merchandise in general order warehouse at any time within one year from the date of importation (Art. 989).

(c) One or more entire packages of merchandise covered by an invoice from one consignor to one consignee may be entered for consumption or warehouse at the port of first arrival, and the remainder for immediate transportation without appraisalment, provided all the merchandise covered by the invoice is entered simultaneously [T. D. 38289].

(d) Immediate transportation without appraisalment entries may be accepted for merchandise shown on the invoice, bill of lading, carrier's certificate, or manifest to be destined to any place within the municipal or port limits of any designated port of destination, in which case the merchandise should be consigned to the collector of customs at the port of destination. This practice should not, however, be extended so as to include shipments to points not within either the port limits or municipal limits of a port merely because of their proximity to such ports [T. D. 38181].

(e) Merchandise covered by different bills of lading or carrier's certificates naming different consignees at the port of destination can not be included under one immediate transportation without appraisalment entry [T. D. 30065].

(f) Several importations may be consolidated in one immediate transportation without appraisalment entry when the bills of lading or carrier's certificates name only one consignee at the port of first arrival [T. D. 20111].

(g) Carload shipments of livestock may not be entered for immediate transportation without appraisalment unless they will arrive at destination before it becomes necessary to remove the seals for the purpose of watering and feeding the animals, or unless the route be such that the removal of the seals and the watering, feeding, and reloading of the stock may be done under customs supervision [T. D. 43577].

(h) Immediate transportation without appraisalment entries covering merchandise subject to detention or supervision by other Federal governmental agencies must contain a sufficient description thereof to enable the representatives of the governmental agencies interested to determine the contents of the cases. The merchandise shall be forwarded only upon written permission of the agency concerned [T. D. 38253].

(i) For procedure as to merchandise subject to quarantine, disinfection, and special inspection see chapter X [T. D. 39345].

(j) As to immediate transportation entries without appraisalment covering alcoholic beverages, care should be exercised to see that the legal restrictions as set forth in article 1087 are not contravened.

ART. 889. *Who may make entry.*—Any person shown by the bill of lading or manifest, by a certificate of the carrier bringing the merchandise to the port of arrival, or by any other document satisfactory to the collector, to have a sufficient interest in the merchandise for that purpose, may make an entry for immediate transportation without appraisalment.

ART. 890. *Form of entry.*—(a) Customs Form 7512 shall be used as a combined entry, invoice, and manifest and shall describe the merchandise in such detail as to enable the collector to make an estimate of the duties due thereon. The collector may require evidence to satisfy him of the approximate correctness of the value or quantity stated in the entry.

(b) The value stated on entry at the port of first arrival is not binding on the ultimate consignee making entry at the port of destination.

ART. 891. *Procedure at Port of Origin.*—When merchandise is entered for immediate transportation without appraisalment, nine copies of customs Form 7512 will be required at the port of origin, six copies of which will be used as the entry and disposed of as follows [T. Ds. 37341, 39378]:

One copy to be retained by the collector at the port of origin as a record;

Two copies to be mailed immediately to the collector at the port of destination, one copy of which will be used for making entry and the other as the office record;

One copy to be mailed to the comptroller of customs in whose district the port of origin is located;

One copy to be mailed to the comptroller of customs in whose district the port of destination is located; and

One copy for use as a permit when required.

Three copies of customs Form 7512 will be used as the manifest and will be disposed of in accordance with General Provisions, article 874 (c) [T. D. 39514].

ART. 892. *Entry at port of destination.*—(a) Merchandise received under immediate transportation without appraisalment entry may be entered for transportation and exportation or for immediate exportation as well as on any of the other forms of entry, and will be subject to all the conditions pertaining to merchandise entered at a port of first arrival, provided, not more than one year has elapsed from date of original importation. If more than one year has elapsed only entry for consumption may be accepted. Such entry must show the name of the port of first arrival, the transporting carrier and the number of the immediate transportation entry [Sec. 491, Tariff Act 1930].

(b) The right to make entry at the port of destination will be determined in accordance with the provisions of article 285 of these regulations.

(c) When the shipment represents a portion of an invoice, the balance of which has been entered for consumption or warehouse at the port of first arrival, it may be entered on a certified extract of the consular invoice filed at the first port.

(d) All importations forwarded under immediate transportation without appraisalment entries must be held by the bonded carrier at the port of destination until released by the collector of customs.

ART. 893. *Unclaimed and short-landed goods.*—All the merchandise included in an immediate transportation without appraisalment entry not entered within 48 hours after delivery of the manifest to the collector at the port of destination will be treated as unclaimed, unless the collector, with the concurrence of the carrier, authorizes in writing a longer time. When notations on the manifest or a report from the collector at the port of first arrival show certain merchandise to have been short-landed, such merchandise should not be included in the entry [T. Ds. 12157, 30592, 39345, Tariff Act of 1930, Sec. 484 (a)].

ART. 894. *Disposition of entry.*—Upon the final disposition of the merchandise the transportation entry and accompanying papers (except the record file copy) will be attached to the final entry for liquidation at the headquarters port.

Rewarehouse and Transportation

ART. 895. *Procedure.*—Rewarehouse and transportation is practically a diversion and the procedure outlined in article 881, headed "Diversion", should be followed [T. D. 37341].

Warehouse and Rewarehouse Withdrawals for Transportation

ART. 896. *Form of Entry—Time.*—(a) Merchandise may be withdrawn from warehouse for transportation to another port of entry, provided that the total period of time for which such merchandise may remain in bonded warehouse shall not exceed the time fixed by law or any lawful extension thereof. If the merchandise is withdrawn by a transferee, the assent of the person who made the warehouse or rewarehouse entry, as the case may be, shall be indorsed

on the withdrawal, unless the person who made the warehouse or rewarehouse entry has in writing previously authorized the withdrawal of such merchandise. Withdrawals for transportation shall be on customs Form 7512, ten copies of which will be required at the port of origin; seven copies to be used as the entry and be disposed of as follows [T. D. 37341, 38539]:

One copy to be retained by the collector at the port of origin as a record;

Two copies to be mailed immediately to the collector at the port of destination; one of which will be used for making entry and the other as the office record;

Two copies, together with the entry and supporting invoices when required by the comptroller, to be forwarded to the comptroller of customs in whose district the port of origin is located, for verification. After verification is completed, the comptroller will mail one copy, stamped "Verified", to the comptroller of customs in whose district the port of destination is located, and return the entry and invoices to the collector at the port of origin;

One copy for the use of the storekeeper as a permit; and

One copy to be used at the port of origin for statistical purposes.

Three copies of customs Form 7512 will be used as the manifest and will be disposed of in accordance with General Provisions, article 874 (c).

(b) If the merchandise is consigned by the original importer to himself at the port of rewarehousing, the collector at the port of withdrawal will so certify on the mail copy of the withdrawal for transportation entry.

(c) All withdrawal entries for transportation or for transportation and exportation shall show the original warehouse entry number, date of entry, and port at which filed.

ART. 897. Withdrawal Procedure.—(a) *Before final Liquidation.*—(1) Merchandise may be withdrawn for transportation prior to liquidation of the warehouse entry. In such cases the transportation entry, customs Form 7512, shall show the ascertained weight, gauge, or measure, as the case may be, and the entered value, of the individual packages and the estimated duty, and shall be stamped "Not liquidated; liquidation to follow." Immediately after the warehouse entry has been liquidated or when any change is made in the liquidation of the warehouse entry after the withdrawal entry has been forwarded, four additional copies of the withdrawal entry, customs Form 7512, shall be prepared, with a statement of liquidation thereon, and disposed of as follows [T. D. 47982]:

One copy to be retained by the collector at the port of origin as a record;

One copy to be mailed to the collector at the port of destination; and

Two copies, together with the entry and supporting invoices when required by the comptroller, to be forwarded to the comptroller of customs in whose district the port of origin is located, for verification. After verification is completed, the comptroller will mail one copy, stamped "Verified", to the comptroller of customs in whose district the port of destination is located, and return the entry and invoices to the collector at the port of origin.

(2) In preparing the additional copies of customs Form 7512 in the case of delayed or amended liquidation, only sufficient information to identify the transaction need be given.

(3) In cases where it is possible to verify the value and duty in a withdrawal for transportation entry, such entry may be stamped "Verified" and if in the final liquidation of the warehouse entry no change is made the four additional copies of the withdrawal entry required in paragraph (a) (1) above need not be prepared.

(b) *After final liquidation.*—Withdrawal for transportation entries made after final liquidation of the warehouse entry shall be stamped, "Liquidated". If any change is subsequently made in the liquidation of a warehouse entry the procedure outlined in (a) (1) above will be followed.

(c) *Before liquidation without deposit in warehouse.*—All or any part of the merchandise covered by a warehouse entry may also be withdrawn for transportation immediately

and before liquidation, without deposit in a bonded warehouse and, pending examination, appraisal, and liquidation, may be permitted to remain on the vessel or other vehicle or on the pier, which places may be deemed constructive warehouses. When any such merchandise not deposited in warehouse is not forwarded under the withdrawal on account of damage or other similar cause, the importer should be required to withdraw such merchandise immediately for consumption or export, or designate a warehouse to which it may be sent, and upon his failure so to do, it should be taken possession of as unclaimed.

(d) *Withdrawal ledger record.*—Withdrawal for transportation entries shall be compared with the warehouse ledger and recorded therein.

ART. 898. Invoices—Samples.—(a) No invoice or extract from the original invoice will be required.

(b) The duty on samples withdrawn from the packages transported will be collected at the original port and a notation thereof made on the transportation entry.

ART. 899. Forwarding procedure.—The merchandise will be forwarded in accordance with the general provisions for transportation in bond, articles 873 to 886 [T. D. 393781].

ART. 900. Procedure at destination.—(a) On arrival at destination the merchandise may be entered for rewarehouse in accordance with articles 318 to 320; for rewarehouse and withdrawal for consumption in accordance with articles 321 and 322; or for exportation in accordance with article 323; or may be diverted to another port or returned to the port of origin in accordance with article 881 (c). Except in cases provided for in articles 830 (k) and 883 (l) of these regulations or in cases of suspected fraud or under circumstances which in the opinion of the collector make it necessary, no further examination or appraisal will be required at destination and the liquidation of the original warehouse entry must be followed.

(b) When the merchandise has been withdrawn for consumption prior to the receipt of the notice of liquidation from the original port, differences of less than \$1.00 between the estimated duty collected and the liquidated duty shall be disregarded.

Warehouse Withdrawals for Exportation or for Transportation and Exportation

ART. 901. Procedure.—(a) *Direct exportation.*—When merchandise is withdrawn from warehouse for exportation direct without transportation in bond to another port (see articles 329 to 335), a transportation entry and manifest (customs Form 7512) shall be filed in quintuple and be disposed of as follows [T. D. 468581]:

One copy to be retained by the collector as a record;

One copy to be mailed by him to the comptroller of customs for his district;

One copy to be used for statistical purposes;

One copy to be used as a permit; and

One copy for use of the lading inspector.

(b) *Indirect Exportation.*—(1) When merchandise is withdrawn from warehouse for transportation and exportation (see articles 329 to 335), nine copies of customs Form 7512 will be required at the port of withdrawal, six copies of which will be used as the entry and be disposed of as follows:

Two copies to be retained by the collector at the port of withdrawal, one for use as a record and the other as a permit;

Two copies to be mailed to the collector at the port of exportation, one for use as a record and the other for use of the lading inspector;

One copy to be mailed to the comptroller of customs in whose district the port of withdrawal is located; and

One copy to be used at the port of withdrawal for statistical purposes.

The remaining three copies of customs Form 7512 will be used as the manifest and be disposed of in accordance with General Provisions, article 874 (c).

(2) *Forwarding procedure.*—The merchandise will be forwarded in accordance with the general provisions for transportation in bond, articles 875 to 886.

(3) *Procedure at destination.*—On arrival at the port of exportation the same procedure will be followed as is provided in articles 882 and 886. When the merchandise is to be transferred from one place to another within the port, unless the bonded carrier is responsible for the delivery of the merchandise to the place of lading on the exporting conveyance, the transfer shall be made by a bonded cartman or lighterman with the use of customs Form 6043 (a) or 6043 (b) in the manner provided in article 1012 of these regulations. If any part of a shipment is not exported or is divided, extracts in duplicate from the manifest on file in the customhouse may be made on customs Form 7512 for each part, one copy to be sent to the discharging inspector and the other to be sent to the lading inspector to be used as a return of exportation, the transfer of the merchandise to be accomplished as provided above. The splitting up for exportation of shipments arriving under warehouse withdrawals for transportation and exportation should not be permitted, except where various portions of a shipment are destined to different destinations or where the export vessel cannot properly accommodate the entire quantity, or in other similar circumstances. The provisions of articles 909 and 910 shall also be followed in applicable cases [T. Ds. 48106-4, 48280(13)].

(c) A shipper's export declaration on customs Form 7525 should be prepared and filed by the party withdrawing the merchandise, as provided in article 1267. In the case of indirect exportations under paragraph (b) the declaration should be attached to the copy of the withdrawal entry mailed to the collector at the port of exportation for filing at that port. When in the case of indirect exportations the declaration is not filed at the port of withdrawal, the entry should be stamped "Shipper's export declaration on customs Form 7525 must be filed at the port of exportation."

Exportation of Distilled Spirits—Strip Stamps

ART. 902. *Strip stamps—When to be removed.*—(a) Imported distilled spirits having internal revenue strip stamps affixed prior to arrival in the United States, which spirits are diverted by the importer for exportation purposes, should retain the red strip stamps while passing in transit through the United States, though under bond, but the strip stamps must be effectively destroyed at the port of exportation by the exporter under customs supervision. This should be done as a precautionary measure, especially where merchandise is being exported to foreign contiguous territory such as, for instance, Windsor, Ontario.

(b) Distilled spirits originating in the United States bearing red strip stamps as evidence of tax-payment should not have the stamps removed at the time of exportation.

Merchandise in Transit Through the United States to Foreign Countries

ART. 904. *Entry authorized.*—Tariff act of 1930, section 553:

Any merchandise, other than explosives and merchandise the importation of which is prohibited, shown by the manifest, bill of lading, shipping receipt, or other document to be destined to a foreign country, may be entered for transportation in bond through the United States by a bonded carrier without appraisement or the payment of duties and exported under such regulations as the Secretary of the Treasury shall prescribe; and any baggage or personal effects not containing merchandise the importation of which is prohibited arriving in the United States destined to a foreign country may, upon the request of the owner or carrier having the same in possession for transportation, be entered for transportation in bond through the United States by a bonded carrier without appraisement or the payment of duty, under such regulations as the Secretary of the Treasury may prescribe.

NOTE.—Special provisions for the shipment of baggage under this provision of law are contained in article 424.

ART. 905. *Entry Procedure.*—(a) Except as provided in article 236 covering merchandise in transit through the United States between ports in contiguous foreign territory, when

there is to be no transfer either at the port of entry, at the port of exportation, or at an intermediate port or place, six copies of customs Form 7512 will be required, three copies to be used as the entry and disposed of as follows [T. Ds. 22250, 24890, 30876, 32147, 34531, 373401]:

One copy to be retained by the collector at the port of entry as a record;

One copy to be mailed to the collector at the port of exportation; and

One copy to be mailed to the comptroller of customs in whose district the port of entry is located.

Three copies of customs Form 7512 will be used as the manifest and will be disposed of in accordance with General Provisions, article 874 (c).

(b) When the merchandise is to be transferred at the port of entry or port of exportation or both, two additional copies of the entry will be required for each transfer for the use of the customs officers at such port or ports. If there is to be a transshipment at other than the port of entry or exportation, one additional copy of the manifest for each transshipment will be required for use of the customs officer at the place of transshipment. (Article 875). If any transfer is by cartman or lighterman, articles 901 (b) (3) and 912 should be followed.

ART. 906. *Restricted and prohibited merchandise.*—(a) Merchandise subject upon importation to examination, disinfection, or further treatment by other Federal governmental agencies can not be released for transportation or exportation except by written permission of the agency interested, or under regulations issued by such agency. (See chapter X.)

(b) Narcotics and other articles prohibited admission into the commerce of the United States can not be entered for transportation and exportation, and any such merchandise offered for entry for that purpose shall be seized, except that exportation or transportation and exportation may be permitted upon written authority from the proper governmental agency and on compliance with the regulations of such agency [T. D. 393081].

(c) Articles in transit manifested merely as drugs, medicines, or chemicals, without evidence to satisfy the collector that they are nonnarcotic, shall be detained and subjected, at the carrier's risk and expense, to such examination as may be necessary to satisfy the collector whether or not they are of a narcotic character. With a view to avoiding such inconvenience the carrier should not accept in-transit shipments of such articles unless accompanied by properly verified certificates of the shippers specifying the items in the shipment and stating whether narcotic or not.

ART. 907. *Forwarding procedure.*—(a) The merchandise will be forwarded in accordance with the general provisions for transportation in bond, articles 873 to 886.

(b) If the merchandise is not forwarded within 30 days from the date of the filing of the entry, the entry shall be canceled and the merchandise treated as unclaimed as of the date of original arrival.

ART. 908. *Procedure at destination.*—(a) (1) When the merchandise is to be transferred at the port of exportation the carrier or exporter shall file with the collector, in lieu of Shipper's Export Declaration (customs Form 7525), two copies of customs Form 7513, Statistical Export Declaration For In-Transit Goods, which will be handled and disposed of in the same manner as customs Form 7525.

(2) When the merchandise is not to be transferred at the port of exportation the collector will transmit to the Section of Customs Statistics at New York on customs Form 7513 a daily statement giving the aggregate value of each of the various classes of in-transit merchandise and the countries to which destined.

(b) If a shipment is divided at the port of exportation by accident or intention, part being exported in one conveyance and part in another, the procedure outlined in article 1305 will be followed, using customs Form 7513.

(c) In other respects the procedure will be as provided in articles 882 and 886 and if transfer is necessary, as provided in article 901 (b) (3).

(d) *In-transit baggage arriving at the port of exit by express.*—Upon the arrival at the port of exit of express shipments of articles shown by the manifest (customs Form 7512) to be baggage and to be deliverable to the owner on board the exporting vessel, such articles may be transferred by the express company, without a permit from the collector, and without the use of a transfer ticket or other customs formality, from its terminal to the exporting vessel for lading thereon under customs supervision, provided the express company is bonded as a common carrier and is responsible under its bond for the delivery of the articles to the customs officer in charge of the exporting vessel. The manifest shall show the name of the owner of the baggage and the name of the vessel on which he intends to sail. The lading inspector at the steamship pier upon completion of lading shall indorse that fact on the manifest and return it to the collector.

ART. 909. *Change of destination—Change of entry.*—(a) The foreign destination of such merchandise may be changed by the parties in interest upon notice to the collector at the port of exit from the United States. The collector at the port of exit may, in his discretion, refer the application for a change of foreign destination to the collector at the port of entry if the circumstances require such action [T. Ds. 37460, 40351].

(b) Such merchandise may be entered for consumption or warehouse. If the merchandise is subject on importation to restriction or control by Federal governmental agencies it may be entered for consumption or warehouse only on written permission issued by the agency concerned or under regulations issued by such agency. (See chapter X.)

ART. 910. *Retention of Goods on Dock—Splitting of Shipments.*—On written application of a party in interest and the written consent of the owner of the dock the collector may, in his discretion, allow in-transit merchandise to remain on the dock, under the supervision of a customs officer without expense to the government, for any period not exceeding 90 days. The bureau may extend the time determined by the collector. The splitting up of shipments for exportation should not be permitted, except where the exportation of a shipment in its entirety is not possible by reason of the different destinations to which portions of the shipment are destined or where the exporting vessel cannot properly accommodate the entire quantity or in other similar circumstances. The collector may at any time in his judgment take possession of the merchandise [T. Ds. 37460, 48106-4, 48280 (13)].

ART. 911. *Limitation of time for exportation.*—Tariff act of 1930, section 491:

* * * any merchandise, destined to a foreign country, entered for transportation in bond through the United States, which shall remain in the United States during a period of one year from the date of its arrival at the port of exit (but in no case less than one year after the effective date of this Act) without having been entered for consumption or warehouse, shall be considered unclaimed and abandoned to the Government * * *

Exportation from Customs Custody of Foreign Merchandise Unentered or Covered by an Unliquidated Consumption Entry; or Merchandise Denied Admission by the Government

ART. 912. *Procedure.*—(a) *Direct exportation.*—(1) When foreign merchandise in customs custody for which no entry has been made or completed or which is covered by an unliquidated consumption entry, or foreign merchandise in customs custody which has been denied admission by any government agency (see article 337), is to be exported direct without transportation to another port, an entry (customs Form 7512) shall be filed in quadruplicate and be disposed of as follows:

Two copies for the use of the collector;

One copy to be mailed by him to the comptroller of customs for his district; and

One copy to be used as a permit.

(2) Exportation bond (customs Form 7557 or 7559) shall be required with the entry provided a consumption entry

bond (customs Form 7551 or 7553) was not previously given. (See article 1252 for cancellation of export bonds.)

(3) If the merchandise has been landed or is transferred from one vessel to another and has not been entered for consumption or, in the case of rejected goods entered for consumption, if the statistical copy of the consumption entry has not been sent to the Section of Customs Statistics (see article 1284), customs Form 7513 shall be used as the export declaration, in the manner provided in article 908 (a) and (b).

(4) Except in the case of rejected goods for which the statistical copy of the consumption entry has not been sent to the Section of Customs Statistics, if the merchandise has been entered for consumption the exporter shall file a shipper's export declaration on customs Form 7525, as provided in article 1267.

(5) If the merchandise is exported in the importing vessel without landing, the customs officer in charge of the vessel shall certify that the vessel was constantly under customs supervision, and that the merchandise entered for exportation was not discharged, during her stay in port. Such transaction shall be reported daily to the Section of Customs Statistics on customs Form 7513 in the manner provided in article 908 (a) (2). A charge shall be made against the vessel term bond (customs Form 7569) if on file, or a vessel bond on customs Form 7567 shall be given, as in the case of residue cargo for foreign ports. (Article 150 (c) as amended.)

(6) Gunpowder and other explosive substances, the deposit of which in any public store or bonded warehouse is prohibited by law, may be entered on arrival from a foreign port for immediate exportation in bond by sea, but shall be transferred directly from the importing to the exporting vessel.

(b) *Indirect Exportation.*—(1) When merchandise of the character enumerated in paragraph (a) (1) is to be transported in bond to another port for exportation, it may be entered for transportation and exportation in accordance with the procedure in article 905 (a) and (b).

(2) *Forwarding procedure.*—The merchandise will be forwarded in accordance with the general provision for transportation in bond, articles 873 to 886.

(3) *Procedure at destination.*—On arrival at the port of exportation the same procedure will be followed as is provided in articles 882 and 886. If the merchandise is to be transferred the procedure prescribed in article 901 (b) (3) shall be followed. The provisions of articles 909 and 910 shall also be followed in applicable cases.

(4) If the merchandise has been entered for consumption, except in the case of rejected goods for which the statistical copy of the consumption entry has not been forwarded to the Section of Customs Statistics (see article 1284), the exporter shall file a shipper's export declaration on customs Form 7525, as provided in article 1267, and attach same to the copy of the export entry mailed to the collector at the port of exit. When the declaration is required and is not filed at the port of origin, the export entry shall be stamped:

Shipper's export declaration on customs Form 7525 must be filed at the port of exportation.

(5) If the merchandise has not been entered for consumption or, in the case of rejected goods, if the statistical copy of the consumption entry has not been sent to the Section of Customs Statistics, the transaction shall be reported by the collector at the port of exportation on customs Form 7513 in the manner provided in article 908 (a), whether there is a transfer of the merchandise or not.

Final Port of Exportation of Merchandise Crossing Adjacent Foreign Territory

ART. 913. *Port of exportation—Cancellation of charge against bond.*—Merchandise which leaves the United States at one frontier port, crosses adjacent foreign territory, and reenters the United States at another frontier port before final exportation to a contiguous country, shall be treated as exported when it has passed through the last frontier port. This regulation shall control whether or not the merchandise

to be exported is domestic or foreign, or is exported with benefit of drawback. The manifest and shipper's export declaration shall be taken up and the notice of intent, if any, filed at the last port of exit from the United States [T. Ds. 24892, 26304, 38287, Q. 32; 39073, 43751].

Merchandise Arriving From a Contiguous Country in Sealed Vessels or Vehicles

ART. 914. *Shipment authorized.*—(a) Tariff act of 1930, section 463:

To avoid unnecessary inspection of merchandise imported from a contiguous country at the first port of arrival, the master of the vessel or the person in charge of the vehicle in which such merchandise is imported may apply to the customs officer of the United States stationed in the place from which such merchandise is shipped, and such officer may seal such vessel or vehicle. Any vessel or vehicle so sealed may proceed with such merchandise to the port of destination under such regulations as the Secretary of the Treasury may prescribe.

(b) Except to the extent that it is modified by articles 915 to 919, inclusive, the procedure shall be the same as that covering similar classes of shipments entered at the port of first arrival for transportation in bond [T. D. 46752].

ART. 915. *Manifests.*—(a) The master of the vessel or the person in charge of the vehicle shall present to the customs officer at the place of shipment a manifest on customs Form 7512, nine copies of which shall be required when the merchandise is intended to be entered for consumption or warehouse in the United States and eight copies when in transit for exportation. Such manifests shall be numbered consecutively by the customs officer at the place of shipment and designated "foreign" in the upper right-hand corner above the entry number block, which is reserved for use at the port of first arrival [T. D. 46752].

(b) The declaration of the "importer" on customs Form 7512 shall be executed by the shipper who shall sign the same as such.

ART. 916. *Sealing of vessel or vehicle—Disposition of manifests and merchandise.*—[T. Ds. 32772, 39378, 39588, 46752].—

(a) On receipt of the manifest the customs officer shall, after comparing the contents of the vessel or vehicle with the manifest, cause the said vessel or vehicle to be closed and sealed. The expense of sealing vessels and vehicles, exclusive of the compensation of the customs officer, shall be paid by the carrier.

(b) The customs officer shall retain one copy of the manifest for the files of his office, transmit four copies in a sealed envelope, by the conductor or person in charge of the vessel or vehicle, to the collector of customs at the port of first arrival in the United States, and two copies by mail to the collector at the port of destination, deliver one copy to the conductor or person in charge of the vessel or vehicle to accompany the shipment to destination and, in the case of merchandise to be entered for consumption or warehouse in the United States, forward the remaining copy to the comptroller of customs having jurisdiction over the accounts of the collection district in which the port of destination is located.

(c) Inasmuch as plants and plant products must be inspected at the border, such articles unless specifically exempted can not be forwarded in sealed vessels or vehicles under the provisions of section 463 of the tariff act unless previously inspected and released by a representative of the Department of Agriculture. This restriction also applies to pure-bred animals for which free entry is to be claimed, which are required to be inspected at the border for identification purposes [T. D. 47733 Lily Bulbs].

(d) Shipments of livestock may not be transported in the United States under section 463 of the tariff act unless they will arrive at destination before it becomes necessary to remove the seals for the purpose of watering and feeding the animals, or unless the route be such that the removal of the seals and the watering, feeding, and reloading of the

stock may be done under U. S. customs supervision [T. D. 435781].

(e) Tariff act of 1930, section 464:

If the master of such vessel or the person in charge of any such vehicle fails to proceed with reasonable promptness to the port of destination and to deliver such vessel or vehicle to the proper officers of the customs, or fails to proceed in accordance with such regulations of the Secretary of the Treasury, or unlades such merchandise or any part thereof at other than such port of destination, or disposes of any such merchandise by sale or otherwise, he shall be guilty of a felony and upon conviction thereof shall be fined not more than \$1,000 or imprisoned for not more than five years, or both; and any such vessel or vehicle, with its contents, shall be subject to forfeiture.

(f) Failure of the person in charge to deliver to the proper customs officer at destination the manifest of merchandise arriving in a vessel or vehicle sealed in accordance with paragraph (a) of this article is a violation of section 460 of the tariff act of 1930. (See article 218.)

ART. 917. *Procedure at port of arrival—Bonded carrier.*—(a) Upon arrival in the United States of a vessel or vehicle sealed with customs seals, the customs officer at the port of first arrival shall examine the seals to ascertain whether or not they are intact. The four copies of the manifest received by him in the sealed envelope, as well as the carrier's copy accompanying the shipment, shall show the port of arrival and be renumbered in the appropriate series, i. e., I. T. or T. and E. as the case may be. Two of the copies received in the sealed envelope shall be for the use of the collector, one shall be immediately forwarded to the comptroller of customs having jurisdiction over the accounts of the port of first arrival and the other mailed to the collector at the port of destination [T. Ds. 36760, 38279, 39588, 46752].

(b) The carrier to whom the merchandise is released at the port of first arrival shall be bonded, and the agent of such carrier shall execute the receipt on the collector's copy of the manifest.

(c) If the seals are found to be intact, the customs officer shall execute the indorsement entitled "inspected" on the back of the copies of customs Form 7512 used as a manifest and, after obtaining the receipt of the carrier, shall permit the vessel or vehicle to go forward to destination. If the customs seals have been removed before the vessel or vehicle reaches the port of first arrival, or if there is evidence that such seals have been tampered with, the customs officer shall verify the contents of the vessel or vehicle, apply new seals, and make an appropriate notation on the manifest before taking the receipt of the carrier and permitting the vessel or vehicle to go forward [T. D. 46752].

ART. 918. *Procedure at destination.*—(a) On arrival of the vessel or vehicle at the port of destination, the master of the vessel or person in charge of the vehicle must immediately deliver the manifest covering the shipment to the collector of customs at that port, who shall indorse the mail copy of the manifest as provided in paragraph (a) of article 882, and send it as a certificate of delivery to the comptroller of customs in whose district the port of first arrival is located, to be by him properly noted and forwarded to the collector of customs at the port of first arrival [T. D. 46752].

(b) The collector of customs at the port of destination shall report to the collector at the port of first arrival and to the comptroller of customs for that district, on customs Form 3861, any shortage from the quantity manifested. He shall also report promptly to the customs officer at the place of shipment the nonreceipt of any shipment for which a manifest has been received by him, in which case the customs officer at the place of shipment shall have the shipment traced and, if it is found to have entered the United States, shall forward the report of nonreceipt to the collector of customs at the port of first arrival for appropriate action.

ART. 919. *Merchandise in less than carload lots.*—Merchandise in less than carload lots, originating at a point in a contiguous country at which there is a United States customs officer, may be forwarded from that place under mani-

fest, customs Form 7512. The procedure to be followed will be the same in all respects as that governing the forwarding of merchandise in sealed vessels or vehicles, except as follows:

(1) The package need not be sealed, but in lieu thereof the carrier will be required to furnish and attach to each package the warning labels required in the case of other bonded merchandise shipped in less than carload lots; and

(2) The customs officer at the port of first arrival in the United States will examine the shipment to ascertain whether or not all packages are in good order and have the required warning labels attached thereto. The contents of any bad-order packages shall be verified and appropriate notation made on the manifest before the receipt of the carrier is taken.

The following articles relating to chapter XVI are amended as follows:

ART. 236.

Paragraph (a) as amended by T. D. 45804 is further amended by changing the period at the end thereof to a comma and adding the following: "except that the certificate of delivery shall be forwarded to the collector at the port of origin instead of to the comptroller of customs in whose district the port of origin is located."

ART. 318.

Paragraph (a) of article 318 as amended by T. D. 47021 is further amended to read as follows:

Procedure.—(a) Immediately after the receipt of the mail copy of the warehouse withdrawal for transportation (customs Form 7512) at the port of destination, the merchandise may be entered for rewarehouse by the consignee named in the withdrawal. The entry shall be on customs Form 7502 and shall be filed in triplicate. If the merchandise is not entered within 48 hours after its arrival, it shall be sent to the general order warehouse.

Paragraph (b) is amended to read as follows:

(b) Should the consignee fail to make entry within 48 hours, the collector will notify the collector at the port where the original warehouse entry was filed by letter of the fact, and the goods shall not be sold or otherwise disposed of as unclaimed until the expiration of the original warehouse entry bond period.

Paragraph (d) is amended by adding the following sentence to the end thereof:

No bond will be required if the merchandise is entered by the consignee named in the original warehouse entry bond filed at the original port of entry. (See article 896, Customs Regulations of 1931, as amended.)

Art. 321.

Article 321 as amended by T. D. 47021 is further amended to read as follows:

Form.—If the consignee of merchandise withdrawn from warehouse for transportation desires to pay duty and get possession of the goods immediately on arrival at destination, a combined entry for rewarehouse and withdrawal for consumption may be made in quadruplicate (including permit), on customs Form 7519.

Art. 323.

Article 323 as amended by T. D. 47021 is further amended to read as follows:

Procedure.—The consignee of merchandise withdrawn from warehouse for transportation desiring to export the same on arrival at destination, may so advise the collector at destination in writing, who shall thereupon make proper notation on the entry and manifest and permit the exportation of the merchandise under customs supervision. The subsequent procedure shall be the same as that provided for warehouse or rewarehouse withdrawals for transportation and exportation. (See chapter XVI.)

Art. 339.

Paragraph (f) (redesignated (g) in T. D. 45824) is amended by striking out, after the figure "5119" in the fourth line, the comma and the following words and figure: "the record of the receipt of such merchandise being entered on customs Form 5049."

Art. 423.

Paragraph (c) is amended as follows:

The word "Quintuple" in line 2 is deleted and the word "sextuple" inserted in lieu thereof.

The words "One copy" in line 6 are deleted and the words "Two copies" are inserted in lieu thereof.

The last sentence is deleted.

Paragraph (d), as amended by T. D. 45764, is further amended to read as follows:

Upon the arrival of the baggage at the port of destination one of the mail copies must be properly indorsed to show the arrival, destination, and condition of the baggage when received and shall be returned as a certificate of delivery, through the comptroller of customs in whose district the port of origin is located, to the collector at the port from which received, and the other used as an office record. If the baggage reported on the mail copy is not received at the port of destination within 30 days the collector will call upon the carrier to show what disposition was made of the baggage covered by the manifest. The collector at destination shall advise the comptroller of customs of his district of the final disposition of the baggage.

New paragraphs designated (f) and (g) are added, reading as follows:

(f) Checked baggage may be shipped in bond from places in contiguous foreign territory at which United States customs officers are stationed. The procedure will be the same as though the shipment originated at a port of entry in the United States and no customs formalities will be required at the place of actual arrival in the United States.

(g) Except as otherwise provided in this article the applicable provisions of chapter XVI of these regulations shall be applied to shipments of baggage in bond.

Art. 424.

Article 424 is amended by deleting the words "and the scheduling of such manifests on customs Form 5049 at ports of exit" in the 9th and 10th lines thereof. The applicable provisions of chapter XVI shall also be followed.

Art. 814.

Article 814, as amended by T. D. 47821, is further amended by adding at the end thereof the following sentence:

The foregoing shall not apply in the case of merchandise arriving under an I. T. entry when the shortage is one for which the bonded carrier is responsible under its bond.

Art. 1197.

Article 1197 is amended to read as follows:

Merchandise received in bond.—When copies of in-bond entries are received they will be placed in a "pending" file. After noting disposition of the merchandise thereon the entries shall be transferred to a "closed" file.

Art. 1198.

Article 1198 is amended to read as follows:

Merchandise forwarded in bond.—When copies of entries outgoing are received they shall be placed in a "pending" file. After noting the receipt of the certificate of delivery thereon the entries shall be transferred to a "closed" file and the certificate of delivery shall be forwarded to the port of origin.

(Note.—Imported merchandise and withdrawals from warehouse, for transportation and exportation, enter the accounts of the comptroller of customs for the port of origin only.)

Art. 1291.

Paragraph (a) is amended to read as follows:

Export declarations, customs Form 7525, are not required for foreign merchandise shipped in transit through the United States from one foreign country to another. In lieu thereof "Statistical Export Declaration for In-Transit Goods", customs Form 7513, will be used as provided in article 908 (a) and (b).

Paragraph (b) is deleted and paragraph (c) is redesignated "(b)."

[SEAL]

FRANK DOW,
Acting Commissioner of Customs.

Approved August 28, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 2078—Filed, September 2, 1936; 12:53 p. m.]

[T. D. 48506]

CUSTOMS REGULATIONS AMENDED—NONIMPORTATION

ARTICLE 813 OF THE CUSTOMS REGULATIONS OF 1931 AMENDED TO SHOW SPECIFICALLY ITS APPLICATION TO PERISHABLE AS WELL AS NONPERISHABLE MERCHANDISE

To Collectors of Customs and Others Concerned:

Pursuant to authority contained in Section 624 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1624), Article 813 of

the Customs Regulations of 1931 is amended to read as follows:

ART. 818. *Articles damaged and worthless at the time of importation.*—When a shipment of merchandise, whether perishable or nonperishable, or any portion thereof which shall have been segregated from the remainder of the shipment under customs supervision at the expense of the importer, is found by the appraising officer to be entirely without commercial value by reason of damage or deterioration and is so reported to the collector in the appraisement return, an allowance in duties on such merchandise on the ground of nonimportation should be made in the liquidation of the entry.

[SEAL]

FRANK DOW,
Acting Commissioner of Customs.

Approved, August 28, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 2077—Filed, September 2, 1936; 12:52 p. m.]

[T. D. 48507]

CUSTOMS REGULATIONS AMENDED—DESIGNATION OF EXAMINATION PACKAGES

PARAGRAPH (C) OF ARTICLE 307, CUSTOMS REGULATIONS OF 1931, AS AMENDED BY T. D.'S 45936 AND 48401, RELATING TO THE DESIGNATION OF EXAMINATION PACKAGES, FURTHER AMENDED

To Collectors of Customs and Others Concerned:

Pursuant to the authority contained in Sections 499 and 624 of the Tariff Act of 1930 (U. S. C. title 19, secs. 1499 and 1624), paragraph (c) of Article 307 of the Customs Regulations of 1931, as amended by T. D.'s 45936 and 48401, is hereby further amended to read as follows:

(c) The collector shall designate, on the summary sheet (Customs Form 6417), the packages to be examined, and indicate them on the permit and, if he deems it necessary, on the entry. The summary sheet may be signed only by the collector, the assistant collector, a deputy collector, or a Customs officer officially acting for one of the officers named. If the merchandise is bulky the collector will direct examination on the wharf or other suitable place, subject to the approval of the appraiser. When merchandise is to be gauged, measured, or weighed, the collector will make such order on the entry, invoice, and permit.

[SEAL]

FRANK DOW,
Acting Commissioner of Customs.

Approved, August 28, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 2078—Filed, September 2, 1936; 12:52 p. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

SR—B-1, Revised.
Supplement (b), Revised.

1936 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN NO. 1, REVISED

Supplement (b), Revised

SECTION 1. In determining the acreage of soil-conserving crops grown in connection with sugarcane for sugar pursuant to the provisions of section 6 of part II, "Rates and Conditions of Payment", of Southern Region Bulletin No. 1, Revised, the acreage of winter legume crops planted prior to November 1, 1936, may be included acre for acre in the soil-conserving crops listed in section 2 of part IV, "Classification of Crops", of Southern Region Bulletin No. 1, Revised.

SECTION 2. "Minimum Acreage in Soil-conserving Crops", section 6 of part II of Southern Region Bulletin No. 1, Revised, as amended by Supplement (f), Revised, of Southern Region Bulletin No. 1, Revised, is hereby further amended by deleting footnote 2,

In testimony whereof, W. R. Gregg, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 1st day of September 1936.

[SEAL]

W. R. GREGG,
Acting Secretary of Agriculture.

[F. R. Doc. 2057—Filed, September 2, 1936; 12 m.]

SR—B-1, Revised.
Supplement (q)

1936 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN NO. 1, REVISED

Supplement (q)

Section 4, part II of Southern Region Bulletin No. 1, Revised, is hereby amended so as to read as follows:

SECTION 4. *Rice.*—Payment will be made with respect to any farm on which rice is grown in 1936 to each producer participating in the production of such rice, provided, there is devoted by the producer in 1936 to soil-conserving crops, in addition to the acreage devoted to soil-conserving crops pursuant to the provisions of any other section herein, an acreage of rice land equal to not less than 25 percent of the base rice acreage of the producer. The amount of such payment to any producer shall be computed as follows:

(a) In the event the acreage planted to rice by the producer in 1936 is equal to not less than 85 percent nor more than 100 percent of his base rice acreage, such payment will be made in the amount of 20 cents for each hundred pounds of the producer's domestic consumption quota of rice;

(b) In the event the acreage planted to rice by the producer in 1936 is less than 85 percent of his base rice acreage, such payment will be made at the rate specified in paragraph (a) above on that portion of the producer's domestic consumption quota of rice which is equal to the ratio that the producer's 1936 acreage planted to rice bears to 85 percent of such producer's base rice acreage;

(c) In the event the acreage planted to rice by the producer in 1936 is equal to more than 100 percent of the producer's base rice acreage, such payment will be made at the rate specified in paragraph (a) above on that portion of the producer's domestic consumption quota of rice which remains after deducting 4 percent for each 1 percent by which the 1936 rice acreage exceeds 100 percent of such base rice acreage;

(d) In the event the acreage planted to rice by the producer in 1936 exceeds 125 percent of the producer's base rice acreage, a deduction from any payment which otherwise would be made to the producer pursuant to any of the provisions herein will be made for each acre of such excess acreage at a rate equal to the rate of payment set forth in section 2 (a);

(e) In the event the acreage of rice land devoted by the producer in 1936 to the production of soil-conserving crops is equal to less than 25 percent of the base rice acreage of the producer, there shall be deducted from any payment that otherwise would be due the producer with respect to rice an amount equal to 4 percent of such payment for each 1 percent by which the acreage of rice land devoted by the producer in 1936 to the production of soil-conserving crops is less than 25 percent of the base rice acreage of the producer.

In testimony whereof, W. R. Gregg, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 1st day of September 1936.

[SEAL]

W. R. GREGG,
Acting Secretary of Agriculture.

[F. R. Doc. 2058—Filed, September 2, 1936; 12 m.]

INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 26th day of August A. D. 1936.

[Docket No. BMC 50053]

APPLICATION OF WALTER ABLER FOR AUTHORITY TO OPERATE AS
A CONTRACT CARRIER

In the Matter of the Application of Walter Abler, an Individual, Doing Business as Abler Transfer, of Pierce, Nebraska, for a Permit (Form B. M. C. 1) Authorizing Operation as a Contract Carrier by Motor Vehicle in the Transportation of Special Commodities, in Interstate Commerce, Over the Following Routes

Route No. 1.—Between St. Joseph, Mo., and Creighton, Nebr.
Route No. 2.—Between St. Joseph, Mo., and Yankton, S. Dak.

Also operations in the States of Nebraska and Wisconsin, including, but not limited to Norfolk, Nebr., and La Cross, Wis., Over Irregular Routes.

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner C. E. Simmons for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be set down for hearing before Examiner C. E. Simmons, on the 12th day of October A. D. 1936, at 10 o'clock a. m. (standard time), at the Warrior Hotel, Sioux City, Iowa.

It is further ordered, That notice of this proceeding be duly given.

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 2068—Filed, September 2, 1936; 12:23 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 26th day of August A. D. 1936.

[Docket No. BMC 29467]

APPLICATION OF DAVE REDMAN FOR AUTHORITY TO OPERATE AS A
CONTRACT CARRIER

In the Matter of the Application of Dave Redman, Individual, Doing Business as Redman Transfer Company, of 220 South College Street, Ottumwa, Iowa, for a Permit (Form B. M. C. 1) Authorizing Operation as a Contract Carrier, by Motor Vehicle in the Transportation of Commodities Generally, in Interstate Commerce, in the States of Iowa, Missouri, Kansas, South Dakota and Nebraska, Over the Following Routes

Route No. 1.—Between Ottumwa, Iowa, and Topeka, Kans.

Route No. 2.—Between Ottumwa, Iowa, and Sioux Falls, S. Dak.

Route No. 3.—Between Ottumwa, Iowa, and St. Louis, Mo.

Route No. 4.—Between Davenport and Ottumwa, Iowa.

Route No. 5.—Between Omaha, Nebr., and Ottumwa, Iowa.

A more detailed statement of route or routes (or territory) is contained in said application, copies of which are on file and may be inspected at the office of the Interstate

Commerce Commission, Washington, D. C., or offices of the boards, commissions, or officials of the States involved in this application.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner C. E. Simmons, for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be set down for hearing before Examiner C. E. Simmons, on the 9th day of October A. D. 1936, at 10 o'clock a. m. (standard time), at the U. S. Court Rooms, Des Moines, Iowa.

It is further ordered, That notice of this proceeding be duly given.

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 2069—Filed, September 2, 1936; 12:23 p. m.]

[Fourth Section Application No. 16489]

LIME FROM TRUNK LINE TERRITORY TO NEW ENGLAND
TERRITORY

SEPTEMBER 2, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: W. S. Cullitt and Frank Van Ummersen, Agents.
Commodities involved: Lime, common, hydrated, and slaked or quick, in carloads.

From: Trunk line producing points.

To: Points in New England territory.

Grounds for relief: Circuitous routes; operating through higher-rated territory; and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 2059—Filed, September 2, 1936; 12:19 p. m.]

[Fourth Section Application No. 16490]

HIGH TEMPERATURE BONDING MORTAR FROM NEW YORK, N. Y.

SEPTEMBER 2, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. E. Tilford, Agent.

Commodities involved: Furnace or kiln lining or high temperature bonding mortar, in carloads.

From: New York, N. Y.

To: Birmingham, Ala., and group and Chattanooga, Tenn., and group, over water-and-rail routes.

Grounds for relief: Carrier competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission

in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 2060—Filed, September 2, 1936; 12:19 p. m.]

[Fourth Section Application No. 16491]

LEAD TO NEW ORLEANS, LA., AND MOBILE, ALA.

SEPTEMBER 2, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: J. E. Tilford, Agent.

Commodities involved: Lead, viz: pig, bar, ingot, sheet, wool, pipe, solder, babbitt metal, type metal, in straight or mixed carloads.

From: St. Louis, Mo., and East St. Louis, Ill.

To: New Orleans, La., and Mobile, Ala.

Grounds for relief: Water competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 2061—Filed, September 2, 1936; 12:19 p. m.]

[Fourth Section Application No. 16492]

BRICK AND RELATED ARTICLES IN IOWA, NEBRASKA, KANSAS, AND MISSOURI

SEPTEMBER 2, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act:

Filed by: L. E. Kipp, Agent.

Commodities involved: Brick and articles taking brick rates, in carloads.

Between: Stations in Iowa, Nebraska, and Kansas; stations in Iowa and stations in Nebraska; stations in Kansas and Nebraska and stations in Missouri; from points in Nebraska to points in Kansas.

Grounds for relief: Truck competition. To apply over short tariff routes rates constructed on the basis of the short line distance formula.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 2062—Filed, September 2, 1936; 12:20 p. m.]

[Fourth Section Application No. 16493]

LIME FROM NEW ENGLAND TERRITORY

SEPTEMBER 2, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. S. Curlett and Frank Van Ummersen, Agents.

Commodities involved: Lime, common, hydrated, quick, or slaked, in carloads.

From: Producing points in New England territory.

To: Points in Trunk Line territory.

Grounds for relief: Circuitous routes; to maintain grouping.

To apply over short tariff routes rates constructed on the basis of the short line distance formula. Short or weak line carrier.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 2063—Filed, September 2, 1936; 12:20 p. m.]

[Fourth Section Application No. 16494]

CEMENT TO NEW ENGLAND TERRITORY

SEPTEMBER 2, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: W. S. Curlett and Frank Van Ummersen, Agents.

Commodities involved: Cement, carloads.

From: Points in the Lehigh District of Pennsylvania and New Jersey.

To: Points in New England territory.

Grounds for relief: Circuitous routes.

An interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 2064—Filed, September 2, 1936; 12:20 p. m.]

[Fourth Section Application No. 16495]

PAPER ARTICLES FROM CROSSETT, ARK.

SEPTEMBER 2, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: F. A. Leland, Agent.

Commodities involved: Wrapping paper, paper bags, and pulp-board, in straight or mixed carloads.

From: Crossett, Ark.

To: Points in Southern territory.

Grounds for relief: Carrier competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 2065—Filed, September 2, 1936; 12:22 p. m.]

[Fourth Section Application No. 16496]

BAGS AND BAGGING FROM NEW ORLEANS, LA., AND SUBPORTS

SEPTEMBER 2, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Louisiana & Arkansas Railway Company.
Commodities involved: Bagging, cotton bale ties, and buckles, used hemp or jute bags, bags and bagging, carloads.
From: New Orleans, La., and supports.
To: Stations on Fort Smith and Western Railway Company.
Grounds for relief: Port competition and equalization.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 2066—Filed, September 2, 1936; 12:22 p. m.]

[Fourth Section Application No. 16497]

CLAY PRODUCTS FROM WATERLOO, VA.

SEPTEMBER 2, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: J. E. Tilford, Agent.
Commodities involved: Clay products in carloads, as described in Item 200-C of Agent Pope's tariff I. C. C. no. 805.
From: Waterloo, Va.
To: Points in southern Virginia, North Carolina, South Carolina, and Georgia.
Grounds for relief: Carrier competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 2067—Filed, September 2, 1936; 12:22 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SHELL-SEEDLE FARM, FILED ON AUGUST 21, 1936, BY JOHN P. BOOTH, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered, that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be, and the same are hereby, revoked and the said proceeding terminated.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Acting Secretary*.

[F. R. Doc. 2072—Filed, September 2, 1936; 12:46 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE TEXAS-COLLINS FARM, FILED ON AUGUST 24, 1936, BY JOHN P. BOOTH, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing, and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Acting Secretary*.

[F. R. Doc. 2073—Filed, September 2, 1936; 12:46 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MID-CONTINENT YOUNG FARM, FILED ON AUGUST 24, 1936, BY S. LEROY ESTES, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered, that the Suspension Order, Order for Hearing, and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Acting Secretary*.

[F. R. Doc. 2074—Filed, September 2, 1936; 12:47 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of August A. D. 1936.

[File No. 2-2343]

IN THE MATTER OF REGISTRATION STATEMENT OF THRIFT INVESTMENT CERTIFICATE CORPORATION

ORDER CHANGING DATE FOR HEARING

The Commission having heretofore, on August 22, 1936, ordered that a hearing under Section 8 (d) of the Securities

Act of 1933, as amended, be held in this matter on September 3, 1936, at 10 o'clock A. M. in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and having designated Robert P. Reeder, an officer of the Commission, to take testimony therein; and

The registrant having requested a postponement of such hearing,

It is ordered, that the hearing heretofore called for September 3, 1936, be held at the same hour and place on September 14, 1936.

By the Commission.

[SEAL] ORVAL L. DuBois, Acting Secretary.

[F. R. Doc. 2070—Filed, September 2, 1936; 12:46 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PURE-SWAIN FARM, FILED ON JULY 27, 1936, BY AMERICAN NATIONAL BROKERAGE COMPANY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on August 31, 1936, be effective as of August 31, 1936; and

It is further ordered, that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL] ORVAL L. DuBois, Acting Secretary.

[F. R. Doc. 2075—Filed, September 2, 1936; 12:47 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BLACKSTOCK ET AL.-DAVIS HARDIN LEASE, FILED ON AUGUST 25, 1936, BY JAMES M. JOHNSON, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that Item 16 (e) is incorrect for the months of August to December 1935, inclusive.

(2) In that Exhibit A contains two dates.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 1st day of October 1936; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the

respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Moore, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding commence on the 16th day of September 1936 at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] ORVAL L. DuBois, Acting Secretary.

[F. R. Doc. 2071—Filed, September 2, 1936; 12:46 p. m.]

UNITED STATES TARIFF COMMISSION.

PUBLIC NOTICE

Investigation Ordered and Hearing Set for October 20, 1936
(Answer to be Filed on or Before October 6, 1936)

[Docket No. 10, Section 337, Tariff Act of 1930]

CIGARETTE-MAKING MACHINES AND PARTS

In the matter of investigation of alleged unfair methods of competition or unfair acts in the importation or sale of cigarette-making machines and parts thereof:

Upon consideration of the complaint under oath filed on the 30th day of June 1936, by the American Machine & Foundry Co., having its principal place of business in New York City, and the amended complaint filed July 17, 1936, by said corporation, it was, on August 4, 1936, ordered:

1. That an investigation pursuant to the provisions of Section 337 of the Tariff Act of 1930 be, and the same is hereby, instituted into alleged unfair methods of competition or unfair acts in violation of said section in the importation or sale in the United States of cigarette-making machines and parts thereof.

2. That notice be, and the same is hereby, given to the Molins Machine Co., 1716 Summit Avenue, Richmond, Va., and to all other persons, partnerships, associations, and corporations concerned as owners, importers, consignees, agents, or otherwise in the alleged unfair methods of competition or unfair acts in the importation or sale of said products, and that they, and each of them, will be afforded opportunity to make written answer under oath and file said answer in quadruplicate with the Commission on or before the 6th day of October 1936; and show cause, if any they have, why the provisions of Section 337 of the Tariff Act of 1930 should not be applied in respect of said alleged unfair methods of competition or unfair acts in the importation or sale of said products.

3. That a public hearing in said investigation be held at the office of the United States Tariff Commission, Washington, D. C., at 10 o'clock a. m. on the 20th day of October 1936, at which hearing the said complainant and respondent and all other persons, partnerships, associations, and corporations concerned as owners, importers, consignees, agents, or otherwise, in the alleged unfair methods of competition and unfair acts in the importation or sale of said products will be afforded opportunity to be present, to produce evidence, and to be heard concerning said alleged unfair methods of com-

petition and unfair acts in the importation or sale of said products constituting the subject matter of this investigation.

4. That public notice of said investigation, and of time for filing answers and of public hearing shall be given by publishing the text of this notice in "Treasury Decisions", published by the Department of the Treasury, and by announcement thereof in "Commerce Reports", published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents, Government Printing Office, Washington, D. C., also by posting a copy of this notice for 30 days prior to said 20th day of October 1936, at the principal office of the Tariff Commission in the city of Washington D. C., and at the office of the Tariff Commission at the port of New York.

5. That notice of said investigation, of time for answers, and of public hearing shall also be given by mailing registered, postage prepaid, a copy of this notice to the complainant herein, and by mailing registered, postage prepaid, a copy of this notice, together with a copy of the complaint, to the respondent named herein.

I hereby certify that the foregoing investigation and hearing in said investigation were ordered by the United States Tariff Commission on August 4, 1936.

[SEAL] SIDNEY MORGAN, *Secretary.*

[F. R. Doc. 2056—Filed, September 2, 1936; 11:51 a. m.]

VETERANS' ADMINISTRATION.

REVISION OF REGULATIONS

JURISDICTION OF THE BOARD OF VETERANS APPEALS IN NEURO-PSYCHIATRIC AND OTHER PRESUMPTIVE CASES DENIED SERVICE CONNECTION BY SPECIAL REVIEW BOARDS

R-9802. (A) The board of veterans appeals will review all neuropsychiatric cases denied service connection by special review boards under the provisions of Public No. 2 and Public No. 78, 73d Congress, in which service connection was also denied by rating boards in field stations after all available evidence had been obtained; *provided*, that such review will not be made when service connection has been granted for a neuropsychiatric disability under Public No. 141, 73d Congress, or when no new and material evidence has been filed since the date of the action by the special review board, except when proper appeal is filed. The board will first review such cases for the purpose of determining whether the decision rendered by the rating board subsequent to the action of the special review board and the development of the evidence in accordance with governing instructions, including the provisions of R. & P. 9805 and 9806, is correct and proper under the provisions of Public No. 2, 73d Congress. If it be determined that such rating is correct, the board of veterans appeals will consider the decision of the special review board under the first and third paragraphs of section 20, Public, No. 78, 73d Congress. (September 2, 1936.)

[SEAL] FRANK T. HINES,
Administrator of Veterans' Affairs.

[F. R. Doc. 2055—Filed, September 2, 1936; 11:40 a. m.]

Friday, September 4, 1936

No. 125

TREASURY DEPARTMENT.

Public Debt Service.

REGULATIONS GOVERNING ADJUSTED SERVICE BONDS OF 1945

SEPTEMBER 1, 1936.

Paragraph 11 of Department Circular No. 560, regulations governing Adjusted Service Bonds of 1945, dated June

6, 1936, is hereby further amended by the addition of a new subparagraph (f), as follows:

11. The following officers are authorized to witness requests for payment and certify thereto:

(f) In the Philippine Islands: In addition to the officers enumerated elsewhere in this paragraph, Provincial and Municipal Treasurers, and City Treasurers in Manila and Baguio, under their respective seals; and Philippine postmasters under the stamp of their office: provided, however, that the requests for payment witnessed and certified to by these officials shall be supported by the finger prints of the veterans in the place provided therefor on the back of the bonds, and that the bonds be then forwarded to the Treasurer of the United States for payment.

[SEAL]

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 2030—Filed, September 2, 1936; 3:32 p. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

NER—E-1 Revised. Issued September 3, 1936
Supplement (G).

1936 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 1 REVISED—SUPPLEMENT (G)

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Northeast Region Bulletin No. 1 Revised, as heretofore amended, is amended as follows:

1. Section 2 (d) of Part V of such bulletin is amended to read as follows:

(d) The land to be covered by an application for payment shall, except as provided in section 8 of this Part V, be the land covered by a work sheet (as specified in section 1 of this Part V). The application for payment filed with respect to any land shall cover the interests of all persons entitled to share in the payment with respect thereto. The amount of payment to any person with respect to the land covered by an application for payment shall, subject to the provisions of section 4 of this Part V, be determined by the performance on such land.

2. Section 4 of Part V of such bulletin is amended by inserting the symbol "(a)" before the words "If any person" in such section 4 and by inserting as Section 4 (b) of such section 4 the following:

(b) In cases where a person filing an application for payment with respect to a farm in the county has an interest as owner or operator in one or more other farms in such county, the county committee shall investigate the 1936 cropping practices on all farms in the county owned or operated by such person, and if the county committee determines that on any such farm or farms the acreage of soil-depleting crops has in 1936 been increased over the acreage of soil-depleting crops on such farm in 1935 for the purpose of, or so as to have the effect of, offsetting any diversion from soil-depleting crops to soil-conserving crops on the farm with respect to which such application for payment is filed, the payment to be made to such producer shall be calculated in accordance with the provisions of Sections 5, 6, and 7 of this Part V: *Provided*, That the payment to be made to such person shall not be calculated in accordance with Sections 5, 6, and 7 of this Part V unless so calculating such payment would decrease the amount which otherwise would be paid to such person in respect to the farms owned and operated by him in the county and in connection with which applications for payment are filed.

3. Section 5 (a) of Part V of such bulletin is amended by inserting the words "to soil-conserving crops" after the word "base" in clause (1) and in clause (2) of such section 5 (a).

4. Section 5 (b) of Part V of such bulletin is amended by deleting the period at the end of section 5 (b) and inserting in lieu thereof a semi-colon and the following:

(4) If the total of the sums obtained under (1) of this subsection (b) is greater than the total of the sums obtained under (1) of subsection (a) above, subtract the difference between such totals from the amount obtained under (3) of this subsection (b).

5. Section 6 of Part V of such bulletin is amended to read as follows:

SECTION 6. *Amount of Soil-Building Payment Where Two or More Farms are Owned or Operated in One County.*—If a person owns or

